



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

JASON P. FIORILLO  
KIRKPATRICK & LOCKHART NICHOLSON GRAHAM LLP  
(FORMERLY KIRKPATRICK & LOCKHART LLP)  
75 STATE STREET  
BOSTON MA 02109-1808

**COPY MAILED**

**MAR 01 2006**

**OFFICE OF PETITIONS**

In re Application of	:	
SAED	:	
Application No. 10/641,371	:	DECISION ON PETITION
Filed: August 13, 2003	:	TO WITHDRAW
Attorney Docket No. ICE-019CP1	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 29, 2005.

The request is **NOT APPROVED**.

As a preliminary matter, please note that the Notice of Acceptance of Power of Attorney mailed on January 30, 2006, indicating the power of attorney to you had been revoked and the power of attorney to the practitioners associated with Customer Number 43831 (Berkeley Law & Technology Group) has been accepted, was sent in error.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

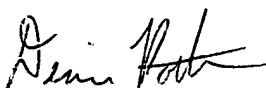
The request cannot be approved because the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, “[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]” More specifically, 37 CFR 10.40 states, “[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is” for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, “[a]pplication has been sold to a third party[.]” do not meet any the conditions set forth in 37 CFR 10.40.

The correspondence address of record will remain with the above-address until a request to withdraw with a reason as set forth in 37 CFR 10.40 is provided or a proper power of attorney complying with 37 CFR 3.71 and 3.73 has been received. The Statement Under 3.73(b) received on January 19, 2006 provided copies of the assignments in the chain of title. As of November 25, 2005, 37 CFR 3.73(b) now requires that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to 37 CFR 3.11. See 37 CFR 3.73(b). No statement or evidence of such a submission for recordation has not been presented or established.

Please also note that a review of Office records shows that while power of attorney has been given to Jason P. Fiorillo, no power of attorney has been given to all the attorneys/agents associated with Customer Number 22832.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272- 4787.

  
Denise Pothier  
Petitions Examiner  
Office of Petitions

cc: BERKELEY LAW & TECHNOLOGY GROUP  
1700 NW 167<sup>TH</sup> PLACE  
SUITE 240  
BEAVERTON, OR 97006

cc: ZARBANA DIGITAL FUND LLC  
2711 CENTERVILLE ROAD, SUITE 400  
WILMINGTON, DE 19808